

1 THE HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PATRISHA AND STEVEN SILLAVAN,
11 individually and on behalf of their minor
12 children C.S., B.S., and L.S.,

13 Plaintiffs,

14 v.

15 STATE OF WASHINGTON, DEPARTMENT
16 OF SOCIAL AND HEALTH SERVICES and
17 KATHERINE GRAFF,

18 Defendants.

19 NO. 2:17-CV-01126

20 **PROPOSED SECOND ORDER OF THE
21 COURT ON MINOR SETTLEMENTS
22 OF C.S. AND L.S.**

23 This matter comes before the Court on Plaintiffs' Motion for Approval of Second Order
24 Approving Minor Settlements of C.S. and L.S. Dkt. # 47. The Court having been fully apprised
25 of and approved of the overall settlement in this matter, the TRI-CARE lien totals for each
26 minor, and reviewed and approves of the purchase of a structured settlement annuity for each
27 minor as follows:

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29 **PROPOSED SECOND ORDER OF THE COURT ON
30 MINOR SETTLEMENTS OF C.S. AND L.S. - 1 of 5
(NO 2:17-CV-01126)**

31 **CONNELLY LAW OFFICES**

32 2301 North 30th Street
33 Tacoma, WA 98403
34 (253) 593-5100 Phone - (253) 593-0380 Fax

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2 Plaintiff	3 Judgment	4 Lien Holder/Amount	5 Net TOTAL
3 C.S.	4 \$593,845.59	5 Tri-Care 6 \$140,571.29	7 \$453,274.30
5 L.S.	6 \$593,845.59	7 Tri-Care 8 \$115,655.22	9 \$478,190.37

10 The amount of \$593,845.59 for L.S. and \$593,845.59 for C.S. reflects the net allocation
11 for each child after the deduction of attorney's fees and costs, as set forth in the Court's order
12 approving minor settlement. The above grid shows the net allocation, the amount of each
13 child's Tri-Care lien, and the Net total to or for the benefit of each child after payment of the
14 Tri-Care Lien.

15 Overall net total settlement amount of \$453,274.30 shall be used to fund future periodic
16 payments for the benefit of C.S. as set forth herein.

17 Overall net total settlement amount. of \$478,190.37 shall be used to fund future periodic
18 payments for the benefit of L.S. as set forth herein.

20 It is therefore the Order of this Court that the State of Washington issue the following
21 checks:

- 22 1. **\$478,190.37** to MetLife Assignment Company, Inc. for the purchase of a structured
23 settlement annuity for the benefit of **L.S.**
- 24 2. **\$453,274.30** to MetLife Assignment Company, Inc. for the purchase of a structured
25 settlement annuity for the benefit of **C.S.**

3. \$256,226.51 to Connelly Law Offices in trust for L.S. and C.S., for the payment of the Tri-Care Liens for both children.

4. By way of this settlement the State of Washington has offered to pay the following sums to or for the benefit of **C.S.** (Date of Birth: 2006) and **L.S.** (Date of Birth: 2006).

Future periodic payments on the dates and in the amounts indicated below:

Payee: C.S.

\$492,196.25 guaranteed lump sum payable on 2024.

Periodic payments and related fees, if any, have a cost of \$453,274.30 payable to MetLife Assignment Company, Inc.

Payee: L.S.

\$520,178.73 guaranteed lump sum payable on 2024.

Periodic payments and related fees, if any, have a cost of \$478,190.37 payable to MetLife Assignment Company, Inc.

The future payment amounts outlined in above are guaranteed based upon a projected annuity purchase date of **August 9, 2019**. Any delay in funding the annuity may result in a delay of the payment dates or change in payment amounts that shall be recorded in the settlement agreement and release, qualified assignment document and annuity contract without the need of obtaining an amended Petition/Court Order up to 180 days after original purchase date.

Any payments to be made after the death of the Payee shall be made to the Estate of Payee. After the age of majority, Payee may submit a change of beneficiary, in writing, to Assignee. No such designation, or any revocation thereof, shall be effective unless it is in writing and delivered to Assignee.

1 The designation must be in a form acceptable to Assignee. The designation
2 approved by the Court at this time is the Estate of C.S. and the Estate of L.S.,
3 respectively.

4 The obligation to make periodic payments described above will be
5 assigned to **MetLife Assignment Company, Inc.** ("Assignee") and funded by an
6 annuity contract issued by **Metropolitan Tower Life Insurance Company**
7 ("Annuity Issuer"), rated A+ (Superior) by A.M. Best Company. All parties shall
8 cooperate fully and execute any and all supplementary documents, including a
9 Settlement Agreement & Release and a Qualified Assignment in compliance with
10 IRC 104 (a)(2) and Section 130 of the Internal Revenue Code of 1986, as amended.

11 Neither the minor nor incapacitated person, nor their estate, nor any
12 subsequent beneficiary or recipient of any payments or any part of any payments
13 under this structured settlement shall have the right to accelerate, commute, or
14 otherwise reduce to present value or to a lump sum any of the payments or any part
15 of the payments due under this structured annuity settlement or this order unless
16 by later motion good cause has been shown to lift or modify these restrictions.

17 No payment under the structured settlement annuity contract or this order
18 shall be transferred as defined in RCW 19.205.010(18), accelerated, deferred,
19 increased or decreased, or anticipated, sold, mortgaged, assigned or encumbered in
20 any manner by the minor or incapacitated person or any other recipient of the
21 payments unless by later motion good cause has been shown to lift or modify these
22 restrictions.

1 Patrishia and/or Steven Sillavan are the parents and legal guardians who have the
2 authority to sign all Settlement Agreements and Releases on behalf of the minors, L.S. and C.S.
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4 DATED this 17th day of July 2019.

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8 The Honorable Richard A. Jones
9 United States District Judge
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MINOR SETTLEMENTS OF C.S. AND L.S. - 5 of 5
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